

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2002-66-C - ORDER NO. 2003-219

APRIL 3, 2003

IN RE: Petition of HTC Communications, Inc. for ) ORDER CLARIFYING  
Arbitration of an Interconnection Agreement ) ORDER NO. 2002-450  
with Verizon South, Inc. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Arbitration filed by HTC Communications, Inc. (HTC) for arbitration of certain issues pertaining to the terms and conditions of a new interconnection agreement between HTC and Verizon South, Inc., f/k/a GTE South Incorporated (Verizon). On June 12, 2002, this Commission disposed of thirty-seven unresolved issues between HTC and Verizon in Order No. 2002-450 (Order). Thereafter, Verizon and HTC were instructed to implement the Commission's resolution of the issues addressed in Order No. 2002-450 by modifying the language of the Interconnection Agreement to reflect the Commission's rulings and framework outlined in the Order. Further, the Parties were instructed that if they were unable, after good faith efforts, to mutually agree upon language with respect to any of the issues addressed in the Order, the Parties were to file proposed language representing the most recent proposal to the other Party on that issue, and the Commission will adopt the language that best comports with the Commission's findings in the Order.

It has come to the Commission's attention that the Parties have been unable to reach an agreement regarding non-recurring charges, which was issue number thirty-six in the Order. We must therefore, clarify our prior Order so that the Parties can move forward expeditiously in executing their Interconnection Agreement.

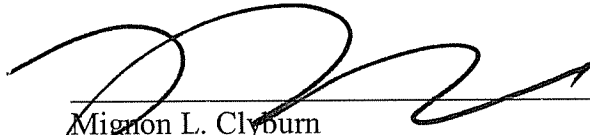
We disposed of issue number thirty-six in the Order by mandating that non-recurring charges would be addressed by the Commission during its generic proceeding addressing cost-based unbundled network element (UNE) rates and the deaveraging of UNE rates. We instructed, in the interim, that Verizon should provide UNEs at rates consistent with those contained in the AT&T/GTE South, Inc. Agreement on file with the Commission. Further, we stated that HTC is not required to comply with the legal requirements regarding Verizon's Merger Order until this issue is resolved during the generic UNE proceeding.

The Commission has no reason to change its disposition of issue number thirty-six in the Order. We will however, clarify our Order. Prior to the Commission issuing a decision in the future on the generic proceeding addressing cost-based UNE rates and the deaveraging of UNE rates, Verizon will bill non-recurring charges to HTC at a rate of \$51.20, consistent with the AT&T/GTE Agreement on file with the Commission.

This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
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Mignon L. Clyburn  
Chairman

ATTEST:

  
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Gary E. Walsh  
Executive Director

(SEAL)